



## Georgia Department of Motor Vehicle Safety

Roy E. Barnes  
Governor

Tim Burgess  
Commissioner

### **NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE THAT on April 30, 2002, at 10:00 a.m. in the General Counsel Conference Room at the Department of Motor Vehicle Safety, 2206 East View Parkway, Conyers, Georgia, a public hearing will be held for the presentation of proposed administrative rule changes which are hereunto attached and incorporated by reference.

The chapters affected by the proposed rule & regulation changes are listed below:

**Ga. Admin. Comp. Ch. 570-20, Driver Improvement**

Ga. Admin. Comp. Ch. 375-1-1, Organization

Ga. Admin. Comp. Ch. 375-5, Driver Training and Driver Improvement

All interested persons are hereby advised of the opportunity to submit data, views or arguments, orally or in writing. Oral comments will be limited to 10 minutes per person. Anyone needing more than 10 minutes should request additional time by contacting the General Counsel Division, Post Office Box 80447, Conyers, Georgia 30013, in writing, 24 hours prior to the hearing.

This \_\_\_\_ day of March, 2002.

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Tim Burgess

\*Anyone with a disability needing assistance should contact Human Resources, at (678) 413-8738, three days prior to the hearing.

TB:pmj

Attachments

Commissioner's Office  
678.413.8660 ■ 678.413.8661 FAX

***375-1-1-.02 Service of Process.***

(1) Appeals to the superior courts from a final agency decision under the Administrative Procedure Act, whether rendered by the Office of State Administrative Hearings pursuant to O.C.G.A. § 50-13-41(e)(3) or by the agency itself, shall be served on the Department by personal delivery to the Legal Services Section of the Department at 2206 East View Parkway, Conyers, Georgia 30013, or by mail to the Department of Motor Vehicle Safety, Legal Services Section, P. O. Box 80447, Conyers, Georgia 30013. Service upon any other person, agency, or entity shall not be considered service on or notice to the Department of the action for the purpose of appeals of contested cases under the Act. The party or counsel shall also furnish a copy of the appeal by mail to the Office of State Administrative Hearings and to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(2) Appeals to the Superior Court from a final agency decision not governed by the Administrative Procedure Act shall be served on the Department by personal service to the Legal Services Section of the Department of Motor Vehicle Safety at 2206 East View Parkway, Conyers, Georgia 30013. Service on any other person, agency, or entity shall not be considered service or notice to the Department of the action for the purpose of the appeal. The party or counsel shall also furnish a copy of the appeal by mail to the Department of Law, Public Safety Section at 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(3) Service of process of all other actions to which the Department or its Commissioner are named as parties shall be as provided by law.

(4) The General Counsel, Director of Legal Services, and Deputy Director of Legal Services, and such other persons as may be designated by the Commissioner, are authorized to accept service of process on behalf of the Department and the Commissioner.

Authority O.C.G.A. §§ 40-16-1 *et seq.*

## SYNOPSIS

### STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to provide for the methods by which service of process may be perfected upon the Department.

### DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

#### ***570-20-.08 Changes of Officers or Address. Amended.***

~~(1) The Department must be notified in writing immediately of any change of address of the owner, partner, officer or instructor of any driver improvement clinic.~~

~~(2) The Department must be notified in writing within ten (10) days of any change in officers, directors, or controlling shareholders of any corporation or association holding a license. In such case, each new officer, director or controlling stockholder must provide to the Department the same information as required for the original license application.~~

~~(3) Failure to notify the Department of such changes shall be grounds for immediate suspension of the clinic license.~~

Repealed.

Authority O.C.G.A. Secs. [40-5-83](#). **History.** Original Rule entitled "Location of Clinic" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by Emergency Rule [570-20-0.11-.08](#). Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule [570-20-0.11-.08](#) repealed and Rule amended. Filed June 6, 1983; effective June 26, 1983. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** This Rule [570-20-.08](#) renumbered as Rule [570-20-.09](#) and Rule [570-20-.07](#) entitled "Changes of Officers or Address" renumbered as 570-20-.08. Filed June 10, 1985; effective June 30, 1985.

### ***375-5-.08 Changes of Officers or Address.***

- (1) The Department must be notified in writing ~~immediately~~ within ten (10) days of any change of address of the owner, partner, officer or instructor of any driver improvement clinic.
- (2) The Department must be notified in writing within ten (10) days of any change in officers, directors, or controlling shareholders of any corporation or association holding a license. In such case, each new officer, director or controlling stockholder must provide to the Department the same information as required for the original license application.
- (3) Failure to notify the Department of such changes shall be grounds for immediate suspension of the clinic license or the imposition of a civil penalty.

Authority O.C.G.A. Secs. [40-5-83](#). **History.** Original Rule entitled "Location of Clinic" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by Emergency Rule [570-20-0.11-.08](#). Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule [570-20-0.11-.08](#) repealed and Rule amended. Filed June 6, 1983; effective June 26, 1983. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** This Rule [570-20-.08](#) renumbered as Rule [570-20-.09](#) and Rule [570-20-.07](#) entitled "Changes of Officers or Address" renumbered as 570-20-.08. Filed June 10, 1985; effective June 30, 1985.

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The requirement of an "immediate" notification is clarified; "immediate" means within ten (10) days. The imposition of a civil penalty is added as an additional available sanction for a violation of this regulation.

### **DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES**

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.08, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.08.

In paragraph (1), the word "immediately" is replaced with "within ten (10) days."

In paragraph (3), the clause authorizing the imposition of a civil penalty is added.

***570-20-.09 Location of Clinic. Amended.***

~~(1) Any clinic that wishes to offer its service in any county other than the county of original application for the principal place of business must establish a classroom in the other county.~~

**Example:** ~~A clinic licensed to operate at 123 Ambrose Street in Atlanta (Fulton County), Georgia, desiring to offer courses in Columbus (Muscogee County), Georgia, would be required to establish a classroom in Columbus.~~

~~(2) A classroom in any other county other than the county of the principal office shall be licensed in the same manner and subject to the same qualifications as the principal office of the clinic with the Exception of telephone, office, films, brochures and other printed materials. Necessary films, brochures and other printed materials shall be used in providing all courses of instruction. Only in the event that duplicate material exists as required will a clinic be authorized to provide more than one class on the same date.~~

~~(3) Approval of the office or classroom will be determined after the inspection of said location is made by a representative of the Department.~~

~~(4) A Driver Improvement License will not be issued for a location where the distribution of or the sale of alcoholic beverages has been approved.~~

~~(5) If the office or classroom location of any Driver Improvement Clinic is to be moved and/or relocated for any reason, the following requirements are necessary prior to this move:~~

~~(a) Notify the Department in writing of the change of the office and/or classroom~~

~~(b) Inspection of the new office or classroom must be made by a representative of the Department and approved.~~

~~(6) Any school or classroom facility utilized for or approved for the purposes of a Driver Improvement Clinic shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the~~

Department that the [specify facility] complies with the Act and its implementing regulations.

Repealed.

Authority Ga. L. 1978, Act 1495, Ga. Code Title 68D; O.C.G.A. Secs. [40-5-4](#), 40-5-83. **History.** Original Rule entitled "Office Requirements" was filed on august 9, 1978; effective August 29, 1978. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed November 7, 1984; effective November 27, 1984. **Amended:** This Rule [570-20-.09](#) renumbered as 570-20-.10 and Rule [570-20-.08](#) entitled "Location of Clinic" amended and renumbered as 570-20-.09. Filed June 10, 1985; effective June 30, 1985. **Repealed:** New rule of the same title adopted. F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Dec. 8, 1992; eff. Dec. 28, 1992. **Amended:** F. Aug. 18, 1997; eff. Sept. 7, 1997.

### ***375-5-.09 Location of Clinic.***

(1) Any clinic that wishes to offer its service in any county other than the county of original application for the principal place of business must establish a classroom in the other county.

**Example:** A clinic licensed to operate at 123 Ambrose Street in Atlanta (Fulton County), Georgia, desiring to offer courses in Columbus (Muscogee County), Georgia, would be required to establish a classroom in Columbus.

(2) ~~All classrooms in any other county other than the county of the principal office~~ shall be licensed in the same manner and subject to the same qualifications as the principal office of the clinic with the ~~E~~exception of telephone, office, films, brochures and other printed materials. Necessary films, brochures and other printed materials shall be used in providing all courses of instruction. Only in the event that duplicate material exists as required will a clinic be authorized to provide more than one class on the same date.

(3) Approval of the office or classroom will be determined after the inspection of said location is made by a representative of the Department and verification that the location complies with all legal requirements.

(4) A Driver Improvement License will not be issued for a location where the distribution of or the sale of alcoholic beverages has been approved.

(5) If the office or a classroom location of any Driver Improvement Clinic is to be moved and/or relocated for any reason, the following requirements are necessary prior to this move.

(a) Notify the Department in writing of the change of the office and/or classroom

(b) Inspection of the new office or classroom must be made by a representative of the Department and approved prior to any instruction of students.

(6) Any school or classroom facility utilized for or approved for the purposes of a Driver Improvement Clinic shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the [specify facility] complies with the Act and its implementing regulations.

(7) A licensed driver improvement clinic that provides instruction via distance learning methods in a classroom of a secondary school, technical school, or college shall not be



required to obtain a separate license for the use of that classroom; provided that prior notice must be given to, and approval granted by, the Department prior to the use of such a facility. Such approval will be considered only if requested by a licensed driver improvement clinic that has held a license in good standing for the preceding five years prior to application.

Authority Ga. L. 1978, Act 1495, Ga. Code Title 68D; O.C.G.A. Secs. [40-5-4](#), 40-5-83. **History.** Original Rule entitled "Office Requirements" was filed on august 9, 1978; effective August 29, 1978. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed November 7, 1984; effective November 27, 1984. **Amended:** This Rule [570-20-.09](#) renumbered as 570-20-.10 and Rule [570-20-.08](#) entitled "Location of Clinic" amended and renumbered as 570-20-.09. Filed June 10, 1985; effective June 30, 1985. **Repealed:** New rule of the same title adopted. F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Dec. 8, 1992; eff. Dec. 28, 1992. **Amended:** F. Aug. 18, 1997; eff. Sept. 7, 1997.

## SYNOPSIS

### STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The requirement of advance approval and licensing of classrooms utilized in addition to the principal place of business is clarified to make clear that it applies to all classrooms. Similarly, the purpose of advance inspection of the premises prior to licensing is clarified to make plain that the purpose of the inspection is to assure compliance with all legal requirements. The requirement of departmental approval of the use of a new location is amended to provide that the approval must be granted prior to the use of the new location for instruction. Finally, a provision is added to authorize the use of distance learning by established clinics without the necessity of a new classroom location license.

### DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.09, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.09.

In paragraph (2), the phrase "a classroom in any other county other than the county of the principal place of business" is replaced with the phrase "all classrooms."

In paragraph (3), the phrase "and verification that the location complies with all legal requirements" is added to the end of the existing sentence.

In paragraph (5), the word "a" is added prior to classroom.

Paragraph (7) is added.

***570-20-.10 Office Requirements. Amended.***

~~A driver improvement clinic shall provide and maintain in each established office the following:~~

~~(a)The clinic shall permit authorized representatives of the Department of Public Safety to make periodic inspections of all clinic facilities. During each inspection each owner, partner, associate, corporate director, office manager or employee of the clinic shall cooperate with the Department's representative and upon demand shall exhibit all records, instructional aides or such other materials as may be called for to be inspected.~~

~~(b)The telephone must be used exclusively for the operation of the clinic. The telephone may be used in conjunction with an Alcohol Program licensed by the Georgia Department of Human Resources. The clinic must notify the Department in writing of any telephone number changes for the clinic.~~

~~(c)Sufficient indoor space must be provided for the purpose of instructing the Driver Improvement Program, to include individual desks or tables with chairs to accommodate students comfortably. Classes of instruction are limited to a maximum number of forty students per class unless the Department determines that the space is inadequate for that number of students. In those situations, the maximum number will be calculated on twenty square feet per student with a minimum number of fifteen students per class.~~

~~(d)The business office of the clinic cannot be operated through a telephone answering service or a telephone answering machine.~~

~~(e)The owner or operator of a clinic will be permitted to list his residence telephone number in any advertisement or on business cards provided such listing specifically states that such person may be called only after a designated hour.~~

~~(f)A clinic may use a telephone answering service or a telephone answering machine if extenuating circumstances arise whereby an employee of the clinic cannot be available to answer the telephone. If this type service extends past eight hours in any normal~~

~~work week, approval must be granted from the Department. For the purpose of this chapter, a normal work week shall commence on Monday at 8:00 a.m. and conclude on the following Friday at 4:30 p.m.~~

~~(g)An employee of the clinic must be available during the hours of 10:00 a.m. to 4:30 p.m., to furnish information of operation, verify attendance to a class, or to produce the necessary records or documents whenever requested by a member of the Department.~~

~~(h)Each clinic must have a principal office. An 800 number or other telephone number may be answered at the principal office provided it is a Toll Free call from the county where the classroom is located.~~

~~(i)On or after January 1, 1991, the principal office cannot be located in a private residence unless a separate public outside entrance is provided.~~

~~(j)Any school or classroom facility utilized for or approved for the purposes of a Driver Improvement Clinic shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the [specify facility] complies with the Act and its implementing regulations.~~

### Repealed.

Authority O.C.GA Secs. 40-5-80, 40-5-83. **History.** Original Rule entitled "Name of Clinic" was filed on August 9, 1978; effective August 29, 1978. **Amended:** This Rule renumbered as Rule [570-20-.11](#) and Rule [570-20-.09](#) entitled "Office Requirements" renumbered as 570-20-.10. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed June 5, 1987; effective June 25, 1975. **Amended:** Filed July 11, 1988; effective July 31, 1988. **Repealed:** New Rule of same title adopted. F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Aug. 12, 1993; eff. Sept. 1, 1993. **Amended:** F. Aug. 18, 1997; eff. Sept. 7, 1997.

### ***375-5-.10 Office Requirements.***

A driver improvement clinic shall provide and maintain in each established office the following:

(a)The clinic shall permit authorized representatives of the Department of ~~Public Safety~~ to make periodic, scheduled or unscheduled inspections of all clinic facilities. During each inspection each owner, partner, associate, corporate director, office manager or employee of the clinic shall cooperate with the Department's representative and upon demand shall exhibit all records, instructional aides or such other materials as may be called for to be inspected.

(b)The telephone must be used exclusively for the operation of the clinic. The telephone may be used in conjunction with an Alcohol Program licensed by the Georgia Department of Human Resources, or with a driver training school licensed by the Department. The clinic must notify the Department in writing within ten (10) days of any telephone number changes for the clinic.

(c)Sufficient indoor space must be provided for the purpose of instructing the Driver Improvement Program, to include individual desks or tables with chairs to accommodate students comfortably. Classes of instruction are limited to a maximum number of forty students per class unless the Department determines that the space is inadequate for that number of students. In those situations, the maximum number will be calculated on twenty square feet per student with a minimum number of fifteen students per class.

(d)The business office of the clinic cannot be operated through a telephone answering service or a telephone answering machine; however, the clinic telephone number may be answered in an off-site call center, which may answer calls to multiple clinics, provided that the call center is staffed between the hours of 10:00 a.m. and 4:00 p.m on weekdays, federal and state holidays excepted, and provided that the call center staff must be able to answer inquiries, furnish information, and schedule students for classes.

(e)The owner or operator of a clinic will be permitted to list his residence telephone number in any advertisement or on business cards provided such listing specifically states that such person may be called only after a designated hour.

(f)A clinic may use a telephone answering service or a telephone answering machine if extenuating circumstances arise whereby an employee of the clinic cannot be available to answer the telephone. If this type service extends past eight hours in any normal work week, approval must be granted from the Department. For the purpose of this chapter, a normal work week shall commence on Monday at 8:00 a.m. and conclude on the following Friday at 4:30 p.m.

(g)An employee of the clinic must be available during the hours of 10:00 a.m. to 4:30 p.m., to furnish information of operation, verify attendance to a class, or to produce the necessary records or documents whenever requested by a member of the Department.

(h)Each clinic must have a principal office. ~~An 800 number or other telephone number may be answered at the principal office provided it is a Toll Free call from the county where the classroom is located.~~

(i)~~On or after January 1, 1991, t~~The principal office cannot be located in a private residence unless a separate public outside entrance is provided.

(j)Any school or classroom facility utilized for or approved for the purposes of a Driver Improvement Clinic shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the ~~[specify facility]~~ office and/or classroom complies with the Act, ~~and its implementing regulations, and Georgia laws governing access for the handicapped.~~

Authority O.C.GA Secs. 40-5-80, 40-5-83. **History.** Original Rule entitled "Name of Clinic" was filed on August 9, 1978; effective August 29, 1978. **Amended:** This Rule renumbered as Rule [570-20-.11](#) and Rule [570-20-.09](#) entitled "Office Requirements" renumbered as 570-20-.10. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed June 5, 1987; effective June 25, 1975. **Amended:** Filed July 11, 1988; effective July 31, 1988. **Repealed:** New Rule of same title adopted. F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Aug. 12, 1993; eff. Sept. 1, 1993. **Amended:** F. Aug. 18, 1997; eff. Sept. 7, 1997.

## SYNOPSIS

### STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The provision governing inspections is clarified to make clear that these inspections may be scheduled or unscheduled. Recognizing advances in technology and changes in business practices, the regulation is amended to permit the consolidation of telephone answering so that a clinic that also furnishes alcohol

programs under the auspices of the Department of Human Resources or driver training programs is no longer required to provide separate telephone lines for each course. A requirement that notification of changes of phone numbers be made is modified to require that the notice be given within ten days of the change.

#### **DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES**

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.10, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.10.

In paragraph (a), the phrase "of Public Safety" is deleted, and the phrase "scheduled or unscheduled" is inserted prior to inspections.

In paragraph (b), the words "or with a driver training school licensed by the Department" are added to the services that may be served by the clinic telephone. The words "within ten (10) days" are added to the requirement of notice of a change of telephone numbers.

In paragraph (d), the phrase following the word "machine" is added.

In paragraph (h), the second sentence is deleted.

In paragraph (i), the phrase "on and after January 1, 1991," is deleted.

In paragraph (j), the words "specify facility" are replaced with "office and/or classroom" and the reference to Georgia law is added.

#### ***570-20-.11 Name of Clinic. Amended.***

~~(1) No driver improvement clinic will be permitted to use, adopt, or conduct any business under any name that is like or deceptively similar to any name used by any other driver improvement clinic without prior approval of the Commissioner.~~

~~(2) A driver improvement clinic shall not use the word "State" in any part of the clinic name.~~

Repealed.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Driver Improvement Clinic Advertising" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by Emergency Rule [570-20-0.11-.11](#). Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule [570-20-0.11-.11](#) repealed and Rule amended. Filed June 6, 1983; effective June 26, 1983. **Amended:** This Rule renumbered as 570-20-.12 and Rule [570-20-.10](#) entitled "Name of Clinic" renumbered as 570-20-.11. Filed June 10, 1985; effective June 30, 1985.

### ***375-5-.11 Name of Clinic.***

(1) No driver improvement clinic will be permitted to use, adopt, or conduct any business under any name that is like or deceptively similar to any name used by any other driver improvement clinic without prior approval of the Commissioner. This provision will not be applied to restrict the use of trade names where the holder of the trade name is the party making the request.

(2) A driver improvement clinic shall not use the word "State" in any part of the clinic name.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Driver Improvement Clinic Advertising" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by Emergency Rule [570-20-0.11-.11](#). Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule [570-20-0.11-.11](#) repealed and Rule amended. Filed June 6, 1983; effective June 26, 1983. **Amended:** This Rule renumbered as 570-20-.12 and Rule [570-20-.10](#) entitled "Name of Clinic" renumbered as 570-20-.11. Filed June 10, 1985; effective June 30, 1985.

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The regulation is amended to provide that the prohibition against the use of the same or similar names is not intended to prevent the establishment of brands, or trade names.

### **DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES**

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.11, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.11.

In paragraph (1), the second sentence is added.

***570-20-.12 Driver Improvement Clinic Advertising. Amended.***



- ~~(1) No driver improvement clinic shall advertise in any manner until such time as the clinic is properly licensed by the Department.~~
- ~~(2) No licensed driver improvement clinic or driver improvement instructor may advertise or represent themselves to be an agent or employee of the Department. No individual, partnership, association or corporation shall purchase, use or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of the Department of Public Safety.~~
- ~~(3) Each driver improvement clinic shall use only its licensed name for advertising and advertisements, and no driver improvement clinic may use less than its full name or another name in any advertisement.~~
- ~~(4) No driver improvement clinic or driver improvement instructor shall, by any advertisement or otherwise, state or imply directly or indirectly that any license to operate a motor vehicle is guaranteed or assured to any student or individual who will take or complete any instruction or course of instruction to enroll or otherwise receive instruction in any driver improvement clinic.~~
- ~~(5) A Driver Improvement Clinic that is licensed by the Department may indicate in its advertisements that is is "licensed by the State" or "State licensed", however, no Driver Improvement Clinic may use any advertisement that states or implies that the clinic is endorsed by the State or the Department.~~
- ~~(6) No driver improvement clinic may advertise or imply, that free lessons will be given individuals or students unless the lessons are in fact offered or given without monetary considerations.~~
- ~~(7) No driver improvement clinic may make a false or misleading claim in any of its advertisements.~~

### Repealed.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Responsibility for Employees" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by Emergency Rule [570-20-0.11-.12](#). Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule [570-20-0.11-.12](#) repealed and Rule amended. Filed June 6, 1983; effective June 26, 1983. **Amended:** Filed June 7, 1984; effective

June 27, 1984. **Amended:** Filed November 7, 1984; effective November 27, 1984. **Amended:** This Rule renumbered as 570-20-.13 and Rule [570-20-.11](#) entitled "Driver Improvement Clinic Advertising" renumbered as 570-20-.12. Filed June 10, 1985; effective June 30, 1985. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990.

### ***375-5-.12 Driver Improvement Clinic Advertising.***

- (1) No driver improvement clinic shall advertise in any manner until such time as the clinic is properly licensed by the Department.
- (2) No licensed driver improvement clinic or driver improvement instructor may advertise or represent themselves to be an agent or employee of the Department. No individual, partnership, association or corporation shall purchase, use or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of the Department of Public Safety.
- (3) Each driver improvement clinic shall use only its licensed name for advertising and advertisements, and no driver improvement clinic may use less than its full name or another name in any advertisement.
- (4) No driver improvement clinic or driver improvement instructor shall, by any advertisement or otherwise, state or imply directly or indirectly that any license to operate a motor vehicle is guaranteed or assured to any student or individual who will take or complete any instruction or course of instruction to enroll or otherwise receive instruction in any driver improvement clinic.
- (5) A Driver Improvement Clinic that is licensed by the Department may indicate in its advertisements that it is "licensed by the State" or "State licensed", however, no Driver Improvement Clinic may use any advertisement that states or implies that the clinic is endorsed by the State or the Department.
- (6) No driver improvement clinic may advertise or imply, that free lessons will be given individuals or students unless the lessons are in fact offered or given without monetary considerations.
- (7) No driver improvement clinic may make a false or misleading claim in any of its advertisements.

Authority O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Responsibility for Employees" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Rule amended by Emergency Rule [570-20-0.11-.12](#). Filed April 7, 1983; effective April 6, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. **Amended:** Emergency Rule [570-20-0.11-.12](#) repealed and Rule amended. Filed June 6, 1983; effective June 26, 1983. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed November 7, 1984; effective November 27, 1984. **Amended:** This Rule

renumbered as 570-20-.13 and Rule [570-20-.11](#) entitled "Driver Improvement Clinic Advertising" renumbered as 570-20-.12. Filed June 10, 1985; effective June 30, 1985. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990.

## SYNOPSIS

### STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

No substantive change is made.

### DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.12, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.12.

In paragraph (2), the words "of Public Safety" are deleted.

### ***570-20-.13 Responsibility for Employees. Amended.***

~~(1) No Driver Improvement Clinic shall employ or otherwise engage any individual to give classroom instruction unless the individual has a valid, current driver improvement instructor's certificate issued by the Department for the particular course(s) of instruction taught by the individual.~~

~~(a) It shall be the duty and responsibility of each clinic owner to ensure all instructors associated with their clinic have met all requirements for renewal and have in their possession a valid instructor's certificate.~~

~~(b) It shall be the duty of the clinic owner and/or the instructor to ensure that all students who attend are sober and free from the influence of drugs, are on time for all sessions of the course, maintain correct deportment while on the premises of the clinic, and that all student rescheduling for missed sessions by students are completed in 60 days.~~

~~(2) Each Driver Improvement instructor employed by or associated with any Driver Improvement Clinic shall be deemed an agent of the clinic and the clinic shall share the responsibility for all acts performed by the instructor which are within the scope of his employment and which occur during the course of his employment.~~

~~(3) If an instructor leaves the employment of, or otherwise terminates his association with any Driver Improvement Clinic, the clinic shall immediately notify the Department in writing, indicating the name, address, and license number of the clinic and the instructor, the termination date and the reason for termination.~~

~~(4) The defensive driving courses will be taught in the following manner: The 8 hour course will be held in 2 days with 4 hours of instruction each day or 1 day with a 1 hour break after 4 hours of instruction. The 6 hour course will be held in 2 days with 3 hours of instruction per day or in 1 day with a 1 hour break after 3 hours of instruction. At the end of each instructional hour with the exception of the last hour taught per day, a ten minute break will be given. Students for the 6 and 8 hour course may be combined. After 6 hours of instruction, certificates will be presented to students taking the 6 hour course and the 8 hour course students will be instructed 2 additional hours and presented certificates. If combined, the guidelines for the 8 hour course will be followed. No clinic will extend any class beyond 11:00 p.m. for any reason.~~

~~(5) The instructor or agent of the clinic will furnish each student who successfully completes the Driver Improvement Course requirements a Certificate of Completion (DPS-584) furnished by the Department of Public Safety.~~

~~(a) The instructor or clinic owner shall not provide any student with a duplicate or new Certificate of Completion. The clinic may issue a replacement for these certificates on DPS 584b titled "Lost Certificates" at a cost not to exceed \$5.00 to the student.~~

~~(6) If a certificate of completion is voided for any reason, it shall be the responsibility of the clinic to forward this voided certificate to the Department along with the roster for the class in which it would have been used.~~

~~(7) The clinic shall be responsible for reimbursing the Department of Public Safety for the actual cost of printing the certificates of Completion (DPS-584) not to exceed ten cents per certificate.~~

~~(a) Each clinic will receive a bill from the Department regarding the expense incurred in distributing these requested certificates.~~

~~(b) Payment shall be required prior to delivery of such certificates.~~

~~(c) Payment shall be by certified check, cashier's check, company check or money order only.~~

~~(8) A student with an acceptable excuse shall be enrolled in the next available course to cover the material missed because of an absence.~~

~~(9) Each clinic shall maintain a current mailing address with the Department and shall be further required to check the mail each day for incoming correspondence.~~

Repealed.

Authority Ga. L. 1978, Act 1495. Ga. Code Title 68D; O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Records and Contracts" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Filed June 10, 1982; effective June 30, 1982. **Amended:** Filed June 7, 1984; effective June 27, 1984.

**Amended:** This Rule renumbered as 570-20-.14 and Rule [570-20-.12](#) entitled "Responsibility for Employees" renumbered as 570-20-.13. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed August 16, 1985; effective September 5, 1985. **Amended:** Filed January 12, 1987; effective February 1, 1987. **Amended:** Filed July 11, 1988; effective July 31, 1988. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Jan. 15, 1992; eff. Feb. 4, 1992.

### ***375-5-.13 Responsibility for Employees.***

(1) No Driver Improvement Clinic shall employ or otherwise engage any individual to give classroom instruction unless the individual has a valid, current driver improvement instructor's certificate issued by the Department for the particular course(s) of instruction taught by the individual.

(a) It shall be the duty and responsibility of each clinic owner to ensure all instructors associated with their clinic have met all requirements for ~~renewal~~ licensure and have in their possession a valid instructor's certificate.

(b) It shall be the duty of the clinic owner and/or the instructor to ensure that all students who attend are sober and free from the influence of drugs, are on time for all sessions of the course, maintain correct deportment while on the premises of the clinic, and that all student rescheduling for missed sessions by students are completed in 60 days.

(2) Each Driver Improvement instructor employed by or associated with any Driver Improvement Clinic shall be deemed an agent of the clinic and the clinic shall share the responsibility for all acts performed by the instructor which are within the scope of his employment and which occur during the course of his employment.

(3) If an instructor leaves the employment of, or otherwise terminates his association with any Driver Improvement Clinic, the clinic shall immediately notify the Department in writing, indicating the name, address, and license number of the clinic and the instructor, the termination date and the reason for termination.

(4) The defensive driving courses will be taught in the following manner: The 8 hour course will be held in 2 days with 4 hours of instruction each day or 1 day with a 1 hour break after 4 hours of instruction. The 6 hour course will be held in 2 days with 3 hours of instruction per day or in 1 day with a 1 hour break after 3 hours of instruction. At the end of each instructional hour with the exception of the last hour taught per day, a ten minute break will be given. Students for the 6 and 8 hour course may be combined. After 6 hours of instruction, certificates will be presented to students taking the 6 hour course and the 8 hour course students will be instructed 2 additional hours and presented certificates. If combined, the guidelines for the 8 hour course will be followed. No clinic will extend any class beyond 11:00 p.m. for any reason.

- (5) The instructor or agent of the clinic will furnish each student who successfully completes the Driver Improvement Course requirements a Certificate of Completion (DPS-584) furnished by the Department of Public Safety.
- (a) The instructor or clinic owner shall not provide any student with a duplicate or new Certificate of Completion. The clinic may issue a replacement for these certificates on DPS-584b titled "Lost Certificates" at a cost not to exceed \$5.00 to the student.
- (6) If a certificate of completion is voided for any reason, it shall be the responsibility of the clinic to forward this voided certificate to the Department along with the roster for the class in which it would have been used.
- (7) The clinic shall be responsible for reimbursing the Department of Public Safety for the actual cost of printing the certificates of Completion (DPS-584) not to exceed ten cents per certificate.
- (a) Each clinic will receive a bill from the Department regarding the expense incurred in distributing these requested certificates.
- (b) Payment shall be required prior to delivery of such certificates.
- (c) Payment shall be by certified check, cashier's check, company check or money order only.
- (8) A student with an acceptable excuse shall be enrolled in the next available course to cover the material missed because of an absence.
- (9) Each clinic shall maintain a current mailing address with the Department and shall be further required to check the mail each day for incoming correspondence.

Authority Ga. L. 1978, Act 1495. Ga. Code Title 68D; O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Records and Contracts" was filed on August 9, 1978; effective August 29, 1978. **Amended:** Filed June 10, 1982; effective June 30, 1982. **Amended:** Filed June 7, 1984; effective June 27, 1984.

**Amended:** This Rule renumbered as 570-20-.14 and Rule [570-20-.12](#) entitled "Responsibility for Employees" renumbered as 570-20-.13. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed August 16, 1985; effective September 5, 1985. **Amended:** Filed January 12, 1987; effective February 1, 1987. **Amended:** Filed July 11, 1988; effective July 31, 1988. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990. **Amended:** F. Jan. 15, 1992; eff. Feb. 4, 1992.

## SYNOPSIS

### STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

No substantive change is made.



## DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.13, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.13.

In paragraph (1)(a), the word "renewal" is replaced with "licensure."

In paragraphs (5) and (7), the words "of Public Safety" are deleted.

### *570-20-.14 Records and Contracts. Amended.*

~~(1) Every driver improvement clinic shall maintain the following records which shall be available for inspection by the Department at all times:~~

~~(a) A card file setting forth the name, address, contact number, and terms of payment of every person receiving instructions of any kind or of any services relating to procedures to obtain reinstatement of a driver's license.~~

~~(b) The card file shall contain records showing the date, type and duration of instructions, including the name of the instructor performing such instruction.~~

~~(c) A permanently bound receipt book, which must contain the name and address of the clinic, shall be used to record all receipts directly relating to the contracts and instructions of students. An original receipt will be furnished the student and a copy kept in a permanently bound book for a period of three (3) years.~~

~~(d) A file containing the original copy of every contract entered into by the clinic and its students for the purpose of obtaining any instructions. A copy of the contract must be furnished to the students and the original thereof must be retained by the clinic for a period of three (3) years.~~

~~(e) A roster of each class listing the clinic's number, name and address, the student's name, date of birth, driver's license number, certificate number and amount of fee paid must be forwarded to the Department within fifteen (15) days of the completion of the course.~~

~~(f) A schedule for all classes of instruction, giving the date and time of classes must be forwarded to the Department within fifteen (15) days prior to such classes.~~

~~(g) The class roster, student contracts, final exams and course evaluation forms will be filed together by month and year that the class was held.~~

~~(2) Clinic records may be audited periodically by the Department.~~

### Repealed.

Authority Ga. L. 1978, Act 1495, Ga. Code Title 68D; O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Contents of Contracts" was filed August 9, 1978; effective August 29, 1978. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** This Rule renumbered as 570-20-.15 and Rule [570-20-.13](#) entitled "Records and Contracts" renumbered as 570-20-.14. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed June 5, 1987; effective June 25, 1987. **Amended:** Filed July 11, 1988; effective July 31, 1988. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990.

### ***375-5-.14 Records and Contracts.***

(1) Every driver improvement clinic shall maintain the following records which shall be available for inspection by the Department at all times:

(a) A card file setting forth the name, address, contact number, and terms of payment of every person receiving instructions of any kind or of any services relating to procedures to obtain reinstatement of a driver's license.

(b) The card file shall contain records showing the date, type and duration of instructions, including the name of the instructor performing such instruction.

(c) A permanently bound receipt book, which must contain the name and address of the clinic, shall be used to record all receipts directly relating to the contracts and instructions of students. An original receipt will be furnished the student and a copy kept in a permanently bound book for a period of three (3) years.

(d) A file containing the original copy of every contract entered into by the clinic and its students for the purpose of obtaining any instructions. A copy of the contract must be furnished to the students and the original thereof must be retained by the clinic for a period of three (3) years.

(e) A roster of each class listing the clinic's number, name and address, the student's name, date of birth, driver's license number, certificate number and amount of fee paid must be forwarded to the Department within fifteen (15) days of the completion of the course.

(f) A schedule for all classes of instruction, giving the date and time of classes must be forwarded to the Department within fifteen (15) days prior to such classes.

(g) The class roster, student contracts, final exams and course evaluation forms will be filed together by month and year that the class was held.

(2) Clinic records may be audited periodically by the Department.

(3) The card file and class rosters may be maintained electronically, rather than on paper. Student contracts, final exams, and course evaluation forms may be scanned for the purpose of electronic storage. The clinic shall utilize a software program(s) approved by the Department for this purpose if electronic storage is chosen.

Authority Ga. L. 1978, Act 1495, Ga. Code Title 68D; O.C.G.A. Sec. [40-5-83](#). **History.** Original Rule entitled "Contents of Contracts" was filed August 9, 1978; effective August 29, 1978. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** This Rule renumbered as 570-20-.15 and Rule [570-20-](#)

[.13](#) entitled "Records and Contracts" renumbered as 570-20-.14. Filed June 10, 1985; effective June 30, 1985. **Amended:** Filed June 5, 1987; effective June 25, 1987. **Amended:** Filed July 11, 1988; effective July 31, 1988. **Amended:** F. Nov. 9, 1990; eff. Nov. 29, 1990.

## SYNOPSIS

### STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

A new paragraph is added to permit the maintenance of clinic records and files electronically.

### DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-20-.14, is repealed, and the regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-5-.14.

Paragraph (3) is added.